

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Ashley W. Carter, # 90150-071,)	
)	
Plaintiff,)	C.A. No. 2:06-0700-HMH-RSC
)	
vs.)	OPINION & ORDER
)	
Phil Emory;)	
David Gamble; and)	
Judge William Catoe,)	
)	
Defendants.)	

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Robert S. Carr, made in accordance with 28 U.S.C. § 636(b)(1) (West Supp. 2005) and Local Rule 73.02 DSC.¹ Ashley W. Carter (“Carter”), a federal prisoner proceeding pro se, alleges in an action filed pursuant to Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971), that the Defendants violated his Fifth and Sixth Amendment rights in revoking his supervised release. In his Report and Recommendation, Magistrate Judge Carr recommends dismissing the complaint under the “three strikes” rule of 28 U.S.C. § 1915(g).

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Carter filed objections to the Report and Recommendation.² Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that Carter's objections are non-specific, unrelated to the dispositive portions of the Magistrate Judge's Report and Recommendation, or merely restate his claims. Therefore, after a thorough review of the Magistrate Judge's Report and the record in this case, the court adopts Magistrate Judge Carr's Report and Recommendation.

Therefore, it is

ORDERED that Carter's complaint is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
April 4, 2006

²On March 29, 2006, Carter filed a 28 U.S.C. § 1331 complaint form. On the form, Carter named the same Defendants as in this action and attached the Report and Recommendation. Further, Carter filed this document before the deadline for filing objections to the Report and Recommendation. As such, the court construes this document as objections to the Report and Recommendation.

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.